

Exhibit L

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

PROXENSE, LLC,

Plaintiff

vs.

NO. 6:21-cv-00210-ADA

SAMSUNG ELECTRONICS CO., LTD.,

and SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants

VIDEOTAPED DEPOSITION OF: TODD O. BURGER

Aloft Hotel

727 Marrett Road

Lexington, Massachusetts

July 29, 2022

9:01 a.m.

Darlene M. Coppola

Registered Merit Reporter

Certified Realtime Reporter

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1 signed an NDA with us. I'm not certain of that, but
2 that's the best of my recollection.

3 Q. Understood.

4 I guess, if you can turn back to Exhibit 21
5 briefly.

6 A. Document 21, yes.

7 Q. Yes. And I think this was an internal
8 document cataloging communications with -- at
9 Citibank.

10 Do you know if those communications are
11 subject to any confidentiality agreements or
12 obligations?

13 A. Again, if we did one, and my recollection is
14 that we didn't with Citibank, but if we did, it
15 would have been written in a way that would have
16 covered subsequent communications. But, again,
17 because it was both Citibank's investment arm as
18 well as, you know, being a potential partner, I
19 don't know that it was covered at that time.

20 Q. And for those relationships that were
21 covered by NDAs, had -- have those NDAs been
22 produced to Samsung?

23 Do you know?

24 A. I don't think so. I -- I don't recall

1 providing the NDAs. I have -- actually I don't know
2 if I still have the paper copies of the NDAs that
3 would have been signed. Whatever NDAs were created,
4 I would still have electronic copies of, so if I was
5 asked to dig
6 through my records, I could answer that
7 definitively, but I can't offhand.

8 Q. Okay. We may take that up later on.

9 So I think my next question is it's correct
10 that Chameleon Network never produced a commercial
11 pocket vault product; is that correct?

12 MR. TUNG: Object to the form.

13 A. We never sold -- we never produced one that
14 was salable. That's correct.

15 BY MR. MC DONOUGH:

16 Q. And if we could go to Exhibit 10 --

17 A. Okay.

18 Q. -- and if you go to page 4, which ends on
19 Bates 051 --

20 A. Yes.

21 Q. -- this was a table of proposed timelines
22 that I think you discussed, one of which was this
23 beta testing of a potential product in the 2004 time
24 frame.

1 A. Right.

2 Q. And then if you were to look at the two rows
3 above that, really the three rows, there's a --
4 first row describes an eval board-based prototype.

5 Do you see that?

6 A. Yes.

7 Q. Was that prototype created?

8 A. No. So -- no. The answer is no. All of
9 these steps required funding.

10 Q. So that may short-circuit my questions.

11 So is it -- is it true that neither the
12 alpha development or the beta development that are
13 in the subsequent lines occurred?

14 A. The development that was laid out in this
15 table for the beta test was not completed. However,
16 progress was made on some of these elements without
17 all of the components of what would have been in
18 these things.

19 Q. Understood.

20 So it would be correct to say that the
21 product that was expected to emerge from this beta
22 development process did not?

23 A. That's correct.

24 MR. TUNG: Object to the form.

1 Sorry.

2 THE WITNESS: I'm sorry.

3 BY MR. MC DONOUGH:

4 Q. And what would that beta development product
5 have embodied?

6 A. I'm not sure I understand the question.

7 Q. Let me rephrase that question.

8 What was -- what was the product that was
9 expected to emerge from the beta development task
10 that's listed here?

11 A. So what was expected was that we would have
12 units available to conduct the beta test with
13 several hundred consumers.

14 Q. And were those units expected to have the
15 form, factor, and functions that are embodied in the
16 exhibits to your --

17 A. Yes.

18 Q. -- that look like prototypes?

19 A. Yes.

20 Q. Those did not -- those were never created;
21 is that correct?

22 A. That's correct.

23 Q. Were any other types of equivalent products
24 created?

1 MR. TUNG: Object to the form.

2 A. No.

3 BY MR. MC DONOUGH:

4 Q. I'd like to go to Exhibit 16. And I guess
5 it's the first -- fourth page which ends in Bates
6 738.

7 MR. TUNG: Sixth page.

8 MR. MC DONOUGH: I'm sorry.

9 BY MR. MC DONOUGH:

10 Q. Let me know if you're there.

11 A. Yes.

12 Q. There is a -- there's a series of bullet
13 points, but the second bullet point begins with
14 "inside the pocket vault system."

15 A. Yes.

16 Q. There's some bullets that follow, one where
17 it just says "Class A." Another one which lists
18 something called "Class B." And in the middle of
19 that, there's an entry that starts with
20 "encryption."

21 A. Uh-huh.

22 Q. And it says, "The pocket vault system
23 generates a random secret key which is used to
24 entrap and encrypt this class of information,"